

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

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| PERRY MATLOCK, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. CIV-22-498-R |
| |) | |
| REDBIRD BUSINESS GROUP, LLC and |) | |
| REDBIRD VENTURES LLC, |) | |
| |) | |
| Defendants. |) | |

ORDER

Before the Court is Plaintiff's Motion for Attorneys' Fees, Pre-Judgment Interest, and Post-Judgment Interest [Doc. No. 53] and Plaintiff's Motion for Entry of Final Judgment Against RedBird Business Group LLC [Doc. No. 52]. The Court previously granted summary judgment as to the breach of contract claim against RedBird Business Group and denied summary judgment as to the remaining claims. *See* Order of May 31, 2023 [Doc. No. 48]. At Plaintiff's request, and without objection from Defendants, the remaining claims were dismissed without prejudice pursuant to Rule 41(a)(2). *See* Order of September 1, 2023 [Doc. No. 55]. Plaintiff now seeks entry of final judgment as to the breach of contract claim as well as attorneys' fees. The motions are unopposed.

Pursuant to the order granting Plaintiff's motion for summary judgment against RedBird Business Group for breach of contract, the Court finds that Plaintiff is entitled to judgment in his favor in the amount of \$1,475,000.00.

Attorney's fees may not be awarded in the absence of a contractual or statutory authorization. As the basis for his request for attorneys' fees, Plaintiff cites Okla. Stat. tit.

12, § 936(A), which authorizes attorneys' fees to the prevailing party in certain contract disputes. The statute provides:

In any civil action to recover for labor or services rendered, or on an open account, a statement of account, account stated, note, bill, negotiable instrument, or contract relating to the purchase or sale of goods, wares, or merchandise, unless otherwise provided by law or the contract which is the subject of the action, the prevailing party shall be allowed a reasonable attorney fee to be set by the court, to be taxed and collected as costs.

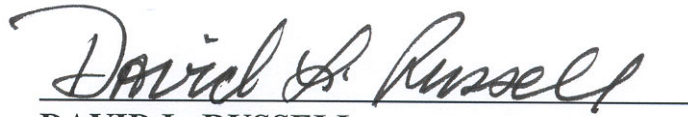
Okla. Stat. tit. 12, § 936(A). "Under Oklahoma law, the correct method for determining a reasonable attorney fee is to calculate the 'lodestar'— the number of hours reasonably expended multiplied by a reasonable hourly rate—and then to enhance or reduce the fee by consideration of the factors in *State ex rel. Burke v. City of Oklahoma City*." *Brown v. Elephant Talk N. Am. Corp.*, No. CIV-18-00902-PRW, 2022 WL 1527523, at *3 (W.D. Okla. May 13, 2022) (footnotes omitted).

Plaintiff's motion for attorneys' fees seeks an award of \$20,545.00, representing 75.1 hours of attorney time and 4.6 hours of paralegal time. In accordance with Local Civil Rule 54.2, Plaintiff has submitted detailed billing records, as well as an affidavit signed by attorney Martin S. Schexnayder, to support its lodestar calculation and fee request. As Defendant has not responded to the motion, the Court deems the factual representations made therein confessed pursuant to Local Civil Rule 7.1(g). In addition, having considered the relevant factors, the Court concludes that Plaintiff's request for \$20,545.00 is reasonable and supported by the record. The Court declines to award attorneys' fees for responding to any hypothetical appeals or executing the judgment.

Further, pursuant to Oklahoma law, Plaintiff is entitled to recover prejudgment interest from RedBird Business Group at a rate of 6% per annum from April 30, 2022 to the date of this order. Okla. Stat. tit. 23, § 6; Okla. Stat. tit. 15, § 266. Plaintiff is also entitled to post-judgment interest pursuant to 28 U.S.C. § 1961.

As set out above, Plaintiff's Motion for Attorneys' Fees, Pre-Judgment Interest, and Post-Judgment Interest [Doc. No. 53] and Plaintiff's Motion for Entry of Final Judgment Against RedBird Business Group LLC [Doc. No. 52] are GRANTED. Plaintiff is awarded \$20,545.00 in attorneys' fees as well as prejudgment interest from April 30, 2022 to the date of this order and post-judgment interest pursuant to 28 U.S.C. § 1961. A separate judgment will be entered.

IT IS SO ORDERED this 1st day of September 2023.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE